

BY AUTHORITY

ORDINANCE NO. 36
SERIES OF 2020

COUNCIL BILL NO. 40
INTRODUCED BY COUNCIL
MEMBER SIERRA

AN ORDINANCE CONCERNING THE AMENDMENT OF TITLE 8, CHAPTER 2, ARTICLE I, OF THE ENGLEWOOD MUNICIPAL CODE, IN CONNECTION WITH ADOPTION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, 2018 EDITION, AND SUCH AMENDMENTS AS SET FORTH HEREIN, ALL WITHIN THE CITY OF ENGLEWOOD, ARAPAHOE COUNTY, COLORADO.

WHEREAS, the City of Englewood has adopted Uniform Building Codes, and subsequent updates as promulgated by the publisher, as the model construction codes for the City since 1971;

WHEREAS, Section 4.2 of the 2015 Intergovernmental Agreement by and between the City of Englewood and the City of Denver regarding fire protection services provides that "Englewood agrees within one (1) year of the Effective Date of this Agreement to adopt the 2015 International Building and Fires Codes and to adopt any subsequent versions of the building and fire codes within six (6) months of Denver's adoption of said subsequent versions of said codes";

WHEREAS, Section 4.2 of the 2015 Intergovernmental Agreement by and between the City of Englewood and the City of Denver regarding fire protection services provides that "Englewood agrees not to adopt any laws or amendments to said codes that conflict with or are materially inconsistent with the applicable uniform building and fire codes without obtaining the prior, written approval of the Denver Fire Chief (which approval will not be unreasonably withheld);

WHEREAS, the Chief Building Official for the City of Englewood has determined that none of the proposed amendments to the International Energy Conservation Code, 2018, conflict with or are materially inconsistent with the applicable uniform building and fire codes;

WHEREAS, in the spirit of interlocal cooperation, Englewood's proposed modifications to the Building and associated safety codes have been provided to the Denver Fire Chief; and

WHEREAS, the Chief Building Official for the City of Englewood has thoroughly reviewed the International Energy Conservation Code 2018 and recommends adoption thereof subject to certain exceptions, modifications and amendments as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. Title 8, Chapter 2, Article I shall be amended as follows:

8-2I-1: CODE ADOPTED:

There is hereby adopted, by reference thereto, the International Energy Conservation Code 2018 Edition, in its entirety including errata updates, published as part of the Code, by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, subject to the exceptions, modifications and amendments set forth in Section 8-2I-2 of this Article. The City Clerk shall maintain a copy of the Code, errata updates, and specific modifications to adopted Code as set forth within E.M.C. 8-2C-2, all of which will be available for inspection during regular business hours.

8-2I-2: SPECIFIC MODIFICATIONS TO ADOPTED CODE:

The following specific changes, modifications and amendments are hereby made to the provisions of the International Energy Conservation Code 2018, hereinabove adopted:

COMMERCIAL PROVISIONS

A. CHAPTER 1. SCOPE AND ADMINISTRATION.

1. **C101.1 Title** shall be amended to read as follows:
These regulations shall be known as the Commercial Energy Conservation Code of the City of Englewood, hereinafter referred to herein as "this code" or CECC.
2. **C104.2 Schedule of permit fees** shall be amended to read as follows:
Refer to Section 109.2 of the amended Building Code of the City of Englewood for requirements of this section.
3. **C104.5 Refunds** shall be amended to read as follows:
Refer to Section 109.6 of the amended Building Code of the City of Englewood for requirements of this section.
4. **C105.3 Reinspection** shall be amended to read as follows:
Refer to Section 110.7 of the amended Building Code of the City of Englewood for requirements of this section.
5. **C108 STOP WORK ORDER** shall be amended to read as follows:
Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a

violation or unsafe condition, shall be liable for a fine as prescribed in 108.4 as amended.

6. The entirety of section **C109 MEANS OF APPEAL**, including all subsections, shall be amended to read as follows:

Refer to Section 8-1-7 of the Englewood Municipal Code of the City of Englewood for the requirements of this Section.

RESIDENTIAL PROVISIONS

B. CHAPTER 1. ADMINISTRATION

1. **R101.1 Title** shall be amended to read as follows:
These regulations shall be known as the Residential Energy Conservation Code of the City of Englewood, hereinafter referred to herein as "this code" or RECC.
2. **R104.2 Permit Fee Schedule** shall be amended to read as follows:
Refer to Section 109.2 of the amended Building Code of the City of Englewood for requirements of this Section.
3. **R104.5 Refunds** shall be amended to read as follows:
Refer to Section 109.6 of the amended Building Code of the City of Englewood for requirements of this Section.
4. The entirety of section **R109 MEANS OF APPEAL**, including all subsections, shall be amended to read as follows:
Refer to Section 8-1-7 of the Englewood Municipal Code of the City of Englewood for the requirements of this Section.

Section 2. Notice of general provisions and findings applicable to interpretation and application of this Ordinance:

Applicability of Title 1, Chapter 2, Saving Clause. The provisions of E.M.C. Title 1, Chapter 2, Saving Clause apply to interpretation and application of this Ordinance, unless otherwise set forth above, including, but not limited to, the provisions regarding severability, inconsistent ordinances or code provisions, effect of repeal or modification, and legislation not affected by repeal.

Enforcement. E.M.C. Title 1, Chapter 4, "General Penalty" provisions mandate that except as otherwise provided within specific Titles, Chapters, or Sections of the Englewood Municipal Code, the violation of any provisions of the Code, or of any secondary code adopted therein, shall be punished by a fine not exceeding two thousand six hundred and fifty dollars (\$2,650.00) or imprisonment for a term not exceeding three hundred sixty (360) days or by both such fine and imprisonment.

Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Introduced, read in full, and passed on first reading on the 5th day of October, 2020.

Published by title as a Bill for an Ordinance in the City's official newspaper on the 8th day of October, 2020.

Published as a Bill for an Ordinance on the City's official website beginning on the 7th day of October, 2020 for thirty (30) days.

Read by title and passed on final reading on the 19th day of October, 2020.

Published by title in the City's official newspaper as Ordinance No. 36, Series of 2020, on the 22nd day of October, 2020

Published by title on the City's official website beginning on the 21st day of October, 2020 for thirty (30) days.

This Ordinance shall take effect thirty (30) days after publication following final passage.

DocuSigned by:

Linda Olson

Linda Olson, Mayor

ATTEST:

DocuSigned by:

Stephanie Carlile

Stephanie Carlile, City Clerk

I, Stephanie Carlile, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. 36, Series of 2020.

DocuSigned by:

Stephanie Carlile

Stephanie Carlile